761551N25A - SH-AD-32A (2/72)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: August 31, 2010

OFFICE CORRESPONDENCE FILE NO. FO2256231

FROM: ERIC B. SMITH, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**
DEPUTY MATTHEW KERFOOT #[redacted]
DEPUTY GREGORY RODRIGUEZ #[redacted]
DEPUTY MARK FARINO #[redacted]
DEPUTY [redacted] #[redacted]
MEN'S CENTRAL JAIL

On October 7, 2009, Inmate Larry Berry and Deputy Kerfoot were conversing about the inmate's missing property. Inmate Berry became agitated, aggressive, and started to curse. Deputy Kerfoot attempted to handcuff Inmate Berry in an effort to de-escalate the incident. Inmate Berry immediately took a fighting stance. Fearing the inmate was preparing to punch him, Deputy Kerfoot punched the inmate in the face once and gave verbal commands to stop fighting. The inmate refused all verbal commands.

Deputies Rodriguez, Farino, [redacted] and Senior Deputy Sanchez responded to Deputy Kerfoot's aid. Deputy Rodriguez wrapped both of his arms around the inmate and push him onto the floor. The inmate immediately tried to get back up. Deputy Rodriguez punched the inmate's face and right rib with his right fist.

Inmate Berry turned toward Deputy Kerfoot and made a fist. Believing he was preparing to punch him, Deputy Kerfoot punched him in the face three to four times with his fist.

Deputy Farino applied one handcuff to Inmate Berry's right wrist but he was unable to handcuff his other. Deputy Rodriguez, fearing the handcuffed hand could be used as a weapon, punched him an additional two times to the face with his right fist.

Inmate Berry attempted to stand up by pushing himself off of the ground with his hands. Although Deputy Farino was holding onto the handcuff he could feel his grip was slipping. Fearing that the inmate was going to gain control of the handcuff and use it as a weapon, he punched him three to four times in the right eye area with his left fist.

Senior Deputy Sanchez ordered the deployment of the taser. Deputy Rodriguez deployed Deputy Kerfoot's taser and dry stunned the inmate's lower back area three times, but the inmate had no reaction to the taser. He continued to push himself up and tuck his hands underneath his chest and kick with his legs.

Senior Deputy Sanchez ordered the application of OC spray. Deputy Kerfoot sprayed the inmate's face with his Freeze Plus P Spray. The spray made the inmate more aggressive and he kicked Deputy [redacted] in the left leg shin area once. Deputy [redacted] struck Inmate Berry's legs approximately five times with his flashlight and eventually was able to control them.

Inmate Berry continued struggle during the entire incident. He was eventually handcuffed and was treated for his injuries

On August 26, 2010, the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MPP §§ 3-01/025.00, Use of Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

Concerning:

MPP § 3-01/025.00, Use of Force, and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputies Matthew Kerfoot # [redacted] Gregory Rodriguez # [redacted] Mark Farino # [redacted] and [redacted] # [redacted] was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by all personnel in this incident were within Department Policy.

Eric B. Smith, Commander

EBS:RSP/rsp

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Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 009-01475-5100-145	Date: 10/17/09	Time: 0830 hrs	
Location: 441 Bauchet St. LA 90012/ Module 2600 /2800	City or Station: Los Angeles		
Bureau/Station/Facility: Custody Division/ Mens Central Jail	Admin. Investigation: YES [ ] NO [X]		
Type of Force: Significant Force- Broken Rib			
Deputy Injury: YES [ ] NO [X]	Suspect Injury YES [X] NO [ ]		
[ ] Call	[ ] Observation	[X] Detail	[ ] Foot Pursuit [ ] Vehicle Pursuit
IAB Notified: YES [X] NO [ ]	Person Notified: Lt. Brickert	Emp: [redacted]	IAB Roll Out: YES [X] NO [ ]

Involved Employee

E1

Employee #	Last Name	First Name	Middle Name
[redacted]	Kerfoot	Matthew	T.

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
[X] Male [ ] Female	W.	MCJ	Prowler

Shift		Age	Height	Weight
[ ] EM [X] Day [ ] PM	[X] Regular Shift [ ] OT Shift [ ] Off Duty	[redacted]	508	160
[ ] Injured [ ] Treated [ ] Admitted	Hospital:		Coroner Case #	Directed Force [X] Significant Force [ ]

E2

Employee #	Last Name	First Name	Middle Name
[redacted]	Rodriguez	Gregory	J.

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
[X] Male [ ] Female	H	MCJ	Prowler

Shift		Age	Height	Weight
[ ] EM [X] Day [ ] PM	[X] Regular Shift [ ] OT Shift [ ] Off Duty	[redacted]	6'01"	250 lbs.
[ ] Injured [ ] Treated [ ] Admitted	Hospital:		Coroner Case #	Directed Force [ ] Significant Force [X]

E3

Employee #	Last Name	First Name	Middle Name
[redacted]	Farino	Mark	V.

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
[X] Male [ ] Female	W	MCJ	Prowler

Shift		Age	Height	Weight
[ ] EM [X] Day [ ] PM	[X] Regular Shift [ ] OT Shift [ ] Off Duty	[redacted]	509	185
[ ] Injured [ ] Treated [ ] Admitted	Hospital:		Coroner Case #	Directed Force [ ] Significant Force [X]

[ ] Additional Involved Employees

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	Dodson	Steve	NMN	Sgt	YES [ ] NO [X]	YES [ ] NO [X]
[redacted]	Sanchez	Jorge	F.	B-1	YES [X] NO [ ]	YES [X] NO [ ]

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name
[redacted]	Herron	Edward	

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	Shannon	Thomas	

Lt. Shannon
Watch Commander (**Print Name**) — Watch Commander's **Signature**: — Emp #: — Date

Rios, Jimmy, J.
Supervisor Completing Form: (**Print Name**) — Emp #: [redacted] — Copy Provided to Employee by: — Emp #:

Daniel Cruz - Captain
Unit Commander (**Print Name**) — Unit Commander's **Signature**: — Emp #: — Date

DISCOVERY Use Only
FO# 2256231

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 12/07)

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Berry	S#1	Kerfoot	E#1	UC	NN	
Kerfoot	E#1	Berry	S#1	PH	NN	FA
Berry	S#1	Rodriguez	E#2	UC	NN	NN
Rodriguez	E#2	Berry	S#1	TD	NN	NN
Berry	S#1	Rodriguez	E#2	PH	NN	AR
Rodriguez	E#2	Berry	S#1	PH	FR	FA
Berry	S#1	[redacted]	E#3	PK	NN	NN
[redacted]	E#3	Berry	S#1	FL	NN	LE
Berry	S#1	Farino	E#4	PH	NN	NN
Farino	E#4	Berry	S#1	PH	FR	FA
Berry	S#1	Rodriguez	E#2	PH	NN	NN
Rodriguez	E#2	Berry	S#1	PH	FR	IN
Berry	S#1	Rodriguez	E#2	PH	NN	NN
Rodriguez	E#2	Berry	S#1	TR	NN	NN
Berry	S#1	Kerfoot	E#1	UC	NN	NN
Kerfoot	E#1	Berry	S#1	OC	NN	NN

Supervisor's Report on Use of Force
SUSPECT INFORMATION
0 0 9 - 0 1 4 7 5 - 5 1 0 0 - 1 4 5

Suspect Information

S 1

Last Name: Berry | First Name: Larry | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: ☒ Male ☐ Female | Race: B | Street Address: [redacted] | City: Palmdale | State & Zip Code: Ca.

Work Phone: [redacted] | Home Phone: [redacted] | Age: 48 | Height: 6-00 | D.O.B. 11-25-61 | Weight: 200 lbs. | Armed? ☐

Booking #: 1887581 | Primary Charge Code: 69 P.C. | Secondary Charge Code: | Criminal History [redacted]

EMT in attendance? ☐ YES ☒ NO Name: ______ Unit: ______ Phone #: ______

Hospital Admission? ☒ Rec'd Treatment At: LCMC | Coroner Case #: ______ | Mental History ☐

By Doctor: ______ Address: ______ Phone #: ______

Under Influence: ☐ YES ☒ NO Substance: ______ | Mental Illness ☐

Suspect Interview

Date: 10-18-09 | Time: 0935 | Audiotape: ☒ | Videotape: ☐ | Photos of Injuries: ☒

Suspect Information

S __

Last Name: | First Name: | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: ______ Unit: ______ Phone #: ______

Hospital Admission? ☐ Rec'd Treatment At: ______ Coroner Case #: ______ Mental History ☐

By Doctor: ______ Address: ______ Phone #: ______

Under Influence: ☐ YES ☐ NO Substance: ______ | Mental Illness: ☐

Suspect Interview

Date: | Time: | Audiotape: ☐ | Videotape: ☐ | Photos of Injuries: ☐

Suspect Information

S __

Last Name: | First Name: | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: ______ Unit: ______ Phone #: ______

Hospital Admission? ☐ Rec'd Treatment At: ______ Coroner Case #: ______ Mental History ☐

By Doctor: ______ Address: ______ Phone #: ______

Under Influence: ☐ YES ☐ NO Substance: ______ | Mental Illness ☐

Suspect Interview

Date: | Time: | Audiotape: ☐ | Videotape: ☐ | Photos of Injuries: ☐

☐ **Additional Suspects Involved**

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION
0 0 9 - 0 1 4 7 5 - 5 1 0 0 - 1 4 5

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
[redacted]	Diaz	Armando	NMN
[redacted]	Sanchez	Jorge	F.

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.	Street Address	City	Zip Code	Work Ph.	Home Ph.
[redacted]	[redacted]	[redacted]	20	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	43	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

☐ Additional Witness

INVESTIGATIVE NARRATIVE
USE OF FORCE
MEN'S CENTRAL JAIL
CUSTODY

TYPE: Significant Force

I.A.B. File Number: FO2256231
URN: 009-01475-5100-145

DATE / DAY / TIME: October 17, 2009, Saturday, 0830 hours

LOCATION: Men's Central Jail
441 Bauchet Street,
Los Angeles, Ca. 90012

On October 17, 2009, at approximately 0830 hours, Men's Central Jail Deputy Matthew Kerfoot was approached by Inmate Larry Berry who was reporting his property was missing after a cell search was conducted. Deputy Kerfoot walked over to the inmate and started to talk to him. Inmate Berry became agitated, aggressive, and started to curse. For officer safety reasons, Kerfoot ordered Berry to face the wall, in a effort to handcuff him and to de-escalate the incident. Berry refused to face the wall and immediately took a fighting stance. Fearing the inmate was preparing to punch him, Kerfoot punched him in the face once. Kerfoot gave verbal commands to stop fighting, however Berry refused to comply and cease his attack.

Deputies Rodriguez, Farino, [redacted] and Senior Deputy Sanchez responded to Deputy Kerfoot's aid. Deputy Rodriguez wrapped both of his arms around the inmate and used his weight to push him down onto the floor. The inmate immediately tried to get back up towards Deputy Kerfoot, in an effort to prevent this, Deputy Rodriguez punched the inmate's face three to four times with his right fist. The inmate tried to push him off by clenching his fist and flailing his arms at him. Deputy Rodriguez punched him four times to the right rib area with his right fist. The punches did not have any affect on him.

Inmate Berry turned toward Deputy Kerfoot and made a fist and made eye contact with him. Believing he was preparing to punch him, Deputy Kerfoot punched him in the face three to four times with his fist.

Inmate Berry turned back toward the floor and was on his stomach. Deputy Farino pulled Berry's right arm out and placed it into one of the handcuffs, but he was unable to handcuff Berry's other hand. Deputy Rodriguez, fearing the handcuffed hand could be used as a weapon, punched Berry an additional two times to the face, with his right fist.

Inmate Berry continued to struggle as he attempted to stand up by pushing himself off of the ground with his hands. Deputy Farino was holding onto the handcuff but the inmate was now pulling the handcuff with both of his hands, and Farino could feel his grip was slipping. Fearing that the inmate was going to gain control of the handcuff and use it as a weapon, Farino punched Berry three to four times in the right eye area with his left fist.

Senior Deputy Sanchez ordered the deployment of the taser. Deputy Rodriguez deployed Deputy Kerfoot's taser and dry stunned the inmate's lower back area three times, but the inmate had no reaction to the taser. He continued to push himself up and tuck his hands underneath his chest and kick with his legs.

Senior Deputy Sanchez ordered the application of O.C. spray. Deputy Kerfoot sprayed the inmate's face with his Freeze Plus P Spray. The spray made the inmate more aggressive and he began to kick toward Deputy [redacted].

Deputy [redacted] attempted to control Inmate Berry's legs. Inmate Berry kicked him in the left leg shin area once. [redacted] gave Berry multiple verbal commands to stop fighting. Berry did not comply. Deputy [redacted] struck Berry's legs approximately five times with his flashlight. The strikes allowed [redacted] enough time to get control of Berry's legs, by grabbing his legs and wrapping them up.

Inmate Berry continued in his attempt to get out of his grasp during the entire incident. He was eventually handcuffed and was treated for his injuries.

Deputy Kerfoot reported the following uses of force: he punched Suspect Berry's face approximately four to five times with his fist, and he sprayed him with his Freeze Plus P Spray.

Deputy Rodriguez reported the following uses of force: a takedown of the inmate, he punched him in the face three to four times with his right fist, he punched him approximately four times to his right rib area with his right fist, he punched him an additional two times to the face, with his right fist, and, when he was directed to deploy the taser, he dry stunned Berry on three occasions on his lower back area.

Deputy Farino reported the following use of force: he punched the suspect's face three to four times with his left fist, he used his knee to force the suspect onto to the ground,

and the force he used to pull the suspect's arms behind his back.

Deputy [redacted] reported the following uses of force: he struck the inmate's legs approximately five times with his flashlight, and control holds to the inmate's legs.

Senior Deputy Sanchez witnessed and directed the deployment of the taser and the application of the Freeze Plus P Spray.

Deputy Diaz witnessed portions of the force incident.

The narrative of this incident is based on information obtained from crime and supplemental reports and interviews of involved employees, witnesses, and the suspect.

The incident and supplementary reports are **Exhibit A,** the photographs of the location are **Exhibit B.**

INVOLVED PERSONNEL:

Kerfoot, Matthew, Deputy, Employee #[redacted]
Men's Central Jail MW/[redacted] 5'09"/165lbs.

EMPLOYEE'S WORK HISTORY:

Date of Employment: 02-20-2008
Prior Founded Force Incidents: [redacted]

Rodriguez, Gregory, Deputy Sheriff, Employee #[redacted]
Men's Central Jail MH/[redacted] 6'03"/265lbs.

EMPLOYEE'S WORK HISTORY:

Date of Employment: 04-12-2008
Prior Founded Force Incidents: [redacted]

Farino, Mark, Deputy Sheriff, Employee #[redacted]
Men's Central Jail MW/[redacted] 5'11"/185lbs.

EMPLOYEE'S WORK HISTORY:

Date of Employment: 07-05-2006
Prior Founded Force Incidents: [redacted]

[redacted] Deputy Sheriff, Employee #[redacted]
Men's Central Jail MW/[redacted] 5-11"/175lbs.

EMPLOYEE'S WORK HISTORY

Date of Employment: [redacted]
Prior Founded Force Incidents: [redacted]

INVOLVED SUSPECT (S):

Berry, Larry MB/47, Booking #9163042, DOB: 11-25-61
[redacted]
Booking Charges: 459 P.C. warrant
CII: #[redacted] FBI: #[redacted]

Involved Suspect Criminal History:
Suspect Berry's criminal history [redacted]

I.A.B. Note: CCHRS printout included in this review, Refer to **Exhibit C.**

EMPLOYEE WITNESSES:

Sanchez, Jorge, Senior Deputy, Employee #[redacted]
Men's Central Jail

Diaz, Armando, Deputy, Employee #[redacted]
Men's Central Jail

NON-DEPARTMENT WITNESSES:

[redacted] (Inmate) MW/20 DOB [redacted] BKG# [redacted]

[redacted] (Inmate) MB/43 DOB [redacted] BKG# [redacted]

INVOLVED EMPLOYEE STATEMENTS:

Deputy Matthew Kerfoot, #[redacted] was interviewed on October 18, 2009, at approximately 1208 hours, by Sergeant's Jimmy Rios and Jack Ramirez of the Internal Affairs Bureau. The interview took place at Men's Central Jail and was digitally recorded. The following is a summary of the interview.

Deputy Kerfoot was assigned to Men's Central Jail on October 17, 2009, at approximately 0830 hours and his job assignment for his shift was the 2600 and 2800 Title 15 Deputy. He was conducting the morning pill call, when he arrived at 2600 "Able Row." He walked into the module to conduct a security check. He was contacted by an inmate, later identified as Suspect Larry Berry, who asked him if he could have a blanket and a bed sheet. He told him yes, but he had to wait, until all the inmates cleared the row. Suspect Berry told him that his property was taken in a search they had conducted earlier in the day. Deputy Kerfoot told him to wait until all the inmates were secured in the hallway with other deputy personnel.

Deputy Kerfoot walked over to Inmate Berry and started to talk to him. The inmate became agitated, aggressive, and he started to cuss at him, stating, "I'm tired of you guys taking my shit. This is fucking bullshit." For officer safety reasons, Kerfoot ordered Berry to face the wall. Kerfoot was planning on placing his handcuffs on Berry to de-escalate the incident. Inmate Berry refused to face the wall and immediately took a fighting stance by placing his leg behind his other leg, and raising up his fists to his stomach area. Fearing the inmate was preparing to punch him, Kerfoot punched the Berry once in the face area with his fist. The suspect bent over, and he (Kerfoot) grabbed on to his arm, so he could place the handcuffs on him. Kerfoot gave Berry verbal commands to "stop fighting, give me your hands." The suspect refused all verbal commands.

Deputy Kerfoot was having trouble getting the suspect down to the floor because Berry had planted his feet. Deputy Rodriguez arrived and assisted by forcing Berry down to the floor. Suspect Berry landed on the floor with his arms underneath his body. Deputy Kerfoot was not able to pull the suspect's arms out. Kerfroot ordered Berry to give him his hands. Berry didn't comply. The suspect turned toward Kerfoot and made a fist and made eye contact with him. Kerfoot believed Berry was preparing to punch him. Kerfoot also noticed Berry's other hand was by his waistband. Kerfoot immediately thought Berry might be reaching for a weapon, because the inmate had not been searched yet. Deputy Kerfoot struck him three to four times in the face with his fist. The suspect turned back toward the floor and was on his stomach. Deputy Farino arrived and pulled Berry's right arm out from behind his back and placed it into one of the handcuffs. He wasn't able to get the other hand out. The suspect was able to turn his body over and he was lying on his back, and he had his fists clenched and was facing them. Berry was trying to pull the handcuff out of Deputy Farino's hands with his other hand.

Deputy Kerfoot believed that if the suspect was able to get the handcuff away from Deputy Farino he would use it as a weapon. Senior Deputy Sanchez ordered Kerfoot to spray the inmate. Kerfoot administered his "Freeze Plus P Spray" to Berry's facial area. The spray made the inmate more aggressive and mad and he began to kick toward Deputy [redacted]

Using their combined efforts, Kerfoot and Farino were able to roll Berry back on to his stomach, and with the assistance of another deputy, they were able to pull Berry's arm out and he was finally handcuffed.

Deputy Kerfoot learned after the incident that Deputy Rodriguez had deployed his taser. He had heard the announcement that the taser was being deployed but did not witness the deployment, because he was struggling with the suspect.

Deputy Kerfoot didn't make any radio communications because he didn't believe that he had time due to his hands being occupied with the inmate. He did not recall using any other force other than what he reported. He notified Men's Central Jail Sergeant Steve Dodson of the force he used after the incident occurred.

Deputy Kerfoot suffered a sore right hand due to the incident, but he did not seek medical treatment due to the injury.

I.A.B. Note: Refer to Deputy Kerfoot's transcribed copy of his interview and the recorded interview under Job #28002.

Deputy Gregory Rodriguez, #[redacted] was interviewed on October 20, 2009, at approximately 1100 hours, by Sergeant's Jimmy Rios and Jack Ramirez of the Internal Affairs Bureau. The interview took place at Men's Central Jail. The following is a summary of the interview.

Deputy Rodriguez was working on October 17, 2009, at Men's Central Jail as the 2000 Floor Prowl Deputy. He heard sounds of a fight, or a struggle inside the module. He entered the module and saw the suspect was struggling with Deputy Kerfoot. He immediately came to his assistance.

Deputy Rodriguez saw the suspect holding onto Deputy Kerfoot and he (Kerfoot) was trying to gain control of him. He described the suspect's action as leaning into Deputy Kerfoot's chest, grabbing his chest area, and Deputy Kerfoot was trying to get his hands behind his back, and trying to take him down to the ground. He heard the verbal commands," to stop fighting." The suspect did not comply.

Deputy Rodriguez wrapped both of his my arms around Suspect Berry and used his weight to push him down onto the floor. He landed on top of him. The suspect landed on his stomach on the ground. The suspect immediately tried to get back up towards Deputy Kerfoot. He punched the suspect's face three to four times with his right fist.

Deputy Rodriguez saw the suspect continued in his attempt to try and push him (Rodriguez) off by clenching his fist and flailing his arms at him. The suspect

attempted to strike Rodriguez but did not make contact with him. The inmate was able to turn to his left side, and that is when Rodriguez struck him approximately four times to his right rib area with his right fist. The strikes did not have any affect on Berry, because he continued to push at Rodriguez and strike at the deputies. The suspect was on his back and was facing towards Rodriguez and he was trying to get back up by moving and kicking his feet. The inmate did not kick Rodriguez during the incident.

Deputy Rodriguez saw the suspect had a handcuff that was cuffed to his right wrist. Fearing that he would use the handcuff as a weapon, Rodriguez grabbed Berry's right hand with his left hand and punched Berry an additional two times to the face, with his right fist. Berry continued to struggle but the deptuies were able to turn him over onto his stomach.

Deputy Rodriguez stated the suspect attempted to stand up by pushing himself off of the ground with his hands. He heard Senior Deputy Sanchez ordering Deputy Kerfoot to deploy the taser. He saw Deputy Kerfoot was still attempting to restrain the inmate so he grabbed his (Kerfoot's) taser and dry stunned the inmate's lower back area. He believed the first contact with the taser was on the inmate's shirt. The second was on the inmate's skin area, and the third contact back on his jumpsuit shirt. The inmate had no reaction to the taser, and he continued to push himself up and tuck his hands underneath his chest and kick his legs. He was very surprised that the taser had no affect on him. Rodriguez didn't recall how long he pulled the trigger on the taser, or the time intervals during the deployments because it happened so quickly.

Deputy Rodriguez stated with the combined assistance of the other deputies they were able to pull the inmate's hands out from underneath him and handcuff him.

Deputy Rodriguez was not injured during the incident.

I.A.B. Note: Refer to Deputy Rodriguez's transcribed copy of his interview and the recorded interview under Job #27587. **Exhibit D** is the Taser X-26 print out information regarding the deployment. Men's Central Jail Sergeant David Buckner #[redacted] provided the taser print out. According to Sergeant Buckner, the taser time clock was not correctly time stamped due to an internal reset.

Deputy Mark Farino, #[redacted] was interviewed on October 20, 2009, at 1042 hours by Sergeant's Jimmy Rios and Jack Ramirez of the Internal Affairs Bureau. The interview took place at Men's Central Jail. The interview was digitally recorded.

Deputy Farino was working Men's Central Jail on October 17, 2009, and he was assigned as the 26-2800 Rec-Room Deputy. At approximately 0830 hours, he was

standing outside of the 2000 floor hallway providing security for pill call, when he saw Deputy [redacted] rush out of the 2600 security cage and over towards the laundry room. Farino ran over to the area and saw Deputies Rodriguez, Kerfoot, and [redacted] fighting with an inmate on the floor. The inmate was face down with both of his hands underneath him and he was reaching towards his waistband of his body, and he was kicking towards the deputies. The deputies were trying to hold him down, to gain control of him, but they were struggling to hold him down. Farino heard the deputies giving verbal commands to the inmate to stop fighting and to place his hands behind his back. The inmate did not comply with any of the orders.

Deputy Farino approached the inmate from the left side and placed his knee on the left side of his back to assist in holding him down. The inmate contniued to move around and was trying to throw Farino off his back. The inmate was able push up and make Farino loose his balance and fall off of his back. Farino was able to steady himself at the last second with his hand. Farino grabbed the inmate's right arm with both of his hands and was able to handcuff his right wrist. The inmate pulled his right arm away from his control and proceeded to place his arm under his body, and push off of the floor. The inmate spun to face him, and raised the handcuffed hand and pulled it up towards his chest and pulled it away from him.

Deputy Farino had a hold of the other handcuff but the inmate was holding the handcuff with both of his hands. Farino was giving the inmate verbal commands to stop fighting, but he did not comply. The inmate was attempting to pull the handcuff away from him, and he felt his grip was slipping. Believing the inmate was going to gain control of the handcuff and use it as a weapon, Farino punched him three to four times in the right eye area of his face with his left fist. The punches to his face caused him to loosen up his grip on the handcuff and relax his left arm. Farino was able to pull the inmate's right arm back towards him and spin him back onto his stomach area. The inmate continued to push up and pull the handcuff away from him and he wouldn't place his left hand behind his back because it was still tucked underneath his body. The inmate did not swing the handcuff at him because he didn't give him the opportunity.

Deputy Farino stated he and the other deputies gave the suspect verbal commands to give up his left arm. The suspect did not comply. With assistance from Deputy Kerfoot, they were able to grab his left arm and force it behind his back and place it in the other handcuff. At that time, a sergeant arrived at the scene and the inmate was escorted to the clinic.

Deputy Farino stated the suspect was very strong and approximated his size and weight as to be 6'00" to 6'02" and 220 lbs.

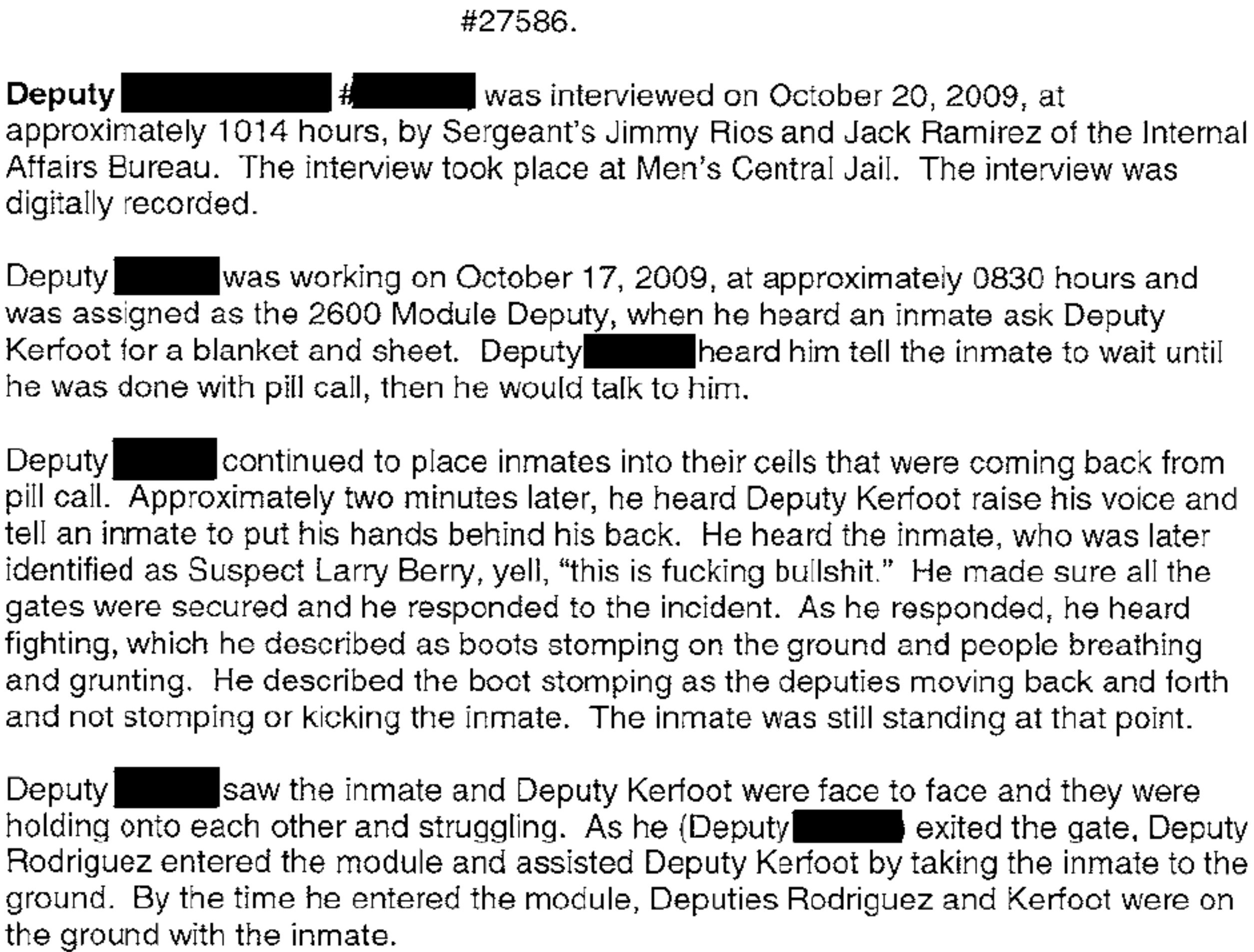
Deputy Farino stated the only force he used on the suspect was the 3-4 punches to his face, using his knee to force the inmate to the ground, and the force he used to pull the inmate's arms behind his back.

Deputy Farino stated although other deputies were around him he didn't witness the deputies using force because he was focused on handcuffing the inmate because he didn't want the handcuff to be used as a weapon against him and his fellow deputies.

Deputy Farino stated he did not see Deputy [redacted] striking the inmate with his flashlight. He did hear someone directing the OC spray application but he did not know who it was. He believed the taser was deployed but did not see it deployed.

Deputy Farino was not injured during the incident.

I.A.B. Note: Refer to Deputy Farino's transcribed copy of his interview and the recorded interview under Job #27586.



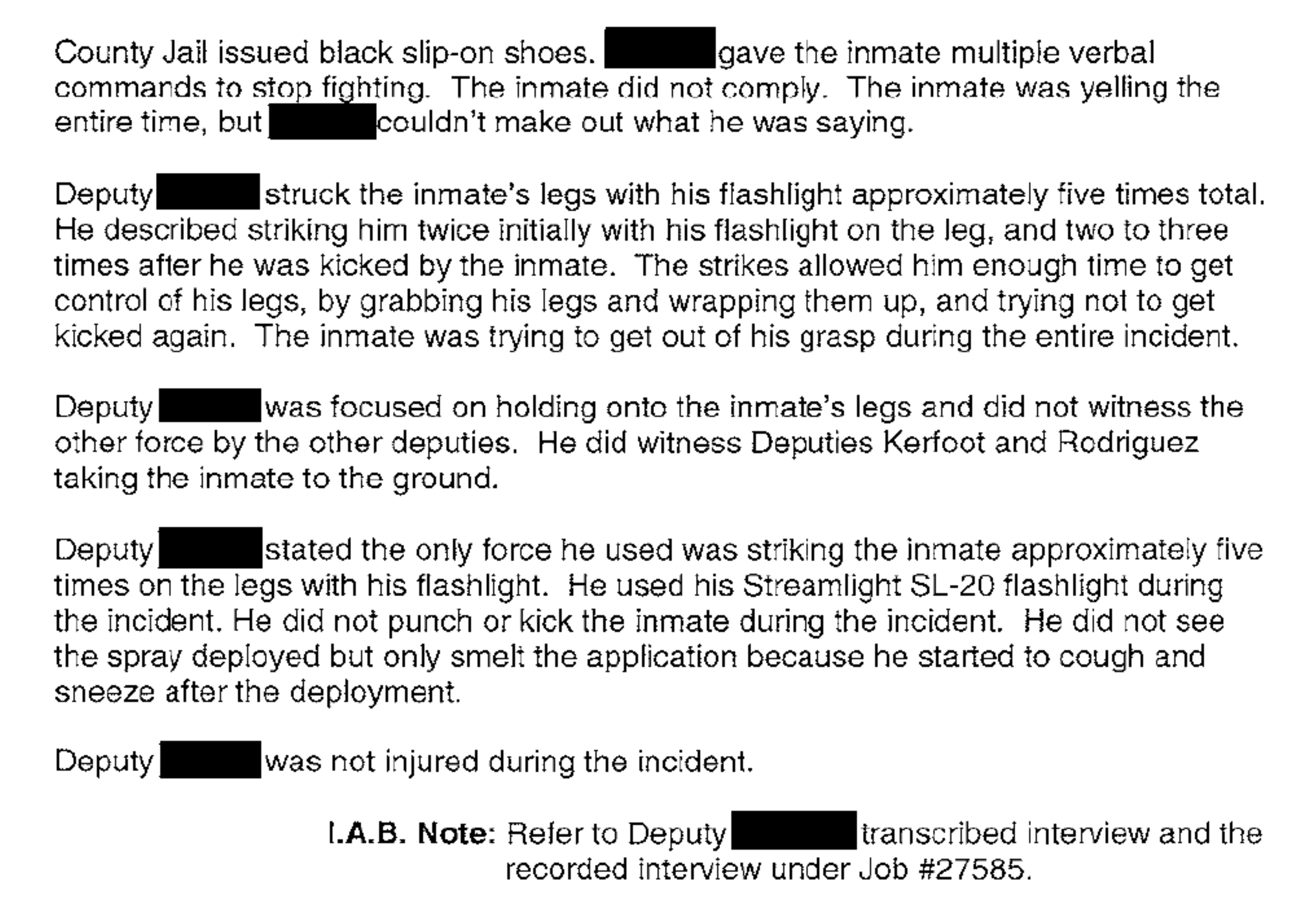
Deputy [redacted] **#**[redacted] was interviewed on October 20, 2009, at approximately 1014 hours, by Sergeant's Jimmy Rios and Jack Ramirez of the Internal Affairs Bureau. The interview took place at Men's Central Jail. The interview was digitally recorded.

Deputy [redacted] was working on October 17, 2009, at approximately 0830 hours and was assigned as the 2600 Module Deputy, when he heard an inmate ask Deputy Kerfoot for a blanket and sheet. Deputy [redacted] heard him tell the inmate to wait until he was done with pill call, then he would talk to him.

Deputy [redacted] continued to place inmates into their cells that were coming back from pill call. Approximately two minutes later, he heard Deputy Kerfoot raise his voice and tell an inmate to put his hands behind his back. He heard the inmate, who was later identified as Suspect Larry Berry, yell, "this is fucking bullshit." He made sure all the gates were secured and he responded to the incident. As he responded, he heard fighting, which he described as boots stomping on the ground and people breathing and grunting. He described the boot stomping as the deputies moving back and forth and not stomping or kicking the inmate. The inmate was still standing at that point.

Deputy [redacted] saw the inmate and Deputy Kerfoot were face to face and they were holding onto each other and struggling. As he (Deputy [redacted]) exited the gate, Deputy Rodriguez entered the module and assisted Deputy Kerfoot by taking the inmate to the ground. By the time he entered the module, Deputies Rodriguez and Kerfoot were on the ground with the inmate.

Deputy [redacted] attempted to take control of the inmate's legs, due to the inmate kicking up in his direction. The inmate kicked him in the left leg shin area once, with his



County Jail issued black slip-on shoes. [redacted] gave the inmate multiple verbal commands to stop fighting. The inmate did not comply. The inmate was yelling the entire time, but [redacted] couldn't make out what he was saying.

Deputy [redacted] struck the inmate's legs with his flashlight approximately five times total. He described striking him twice initially with his flashlight on the leg, and two to three times after he was kicked by the inmate. The strikes allowed him enough time to get control of his legs, by grabbing his legs and wrapping them up, and trying not to get kicked again. The inmate was trying to get out of his grasp during the entire incident.

Deputy [redacted] was focused on holding onto the inmate's legs and did not witness the other force by the other deputies. He did witness Deputies Kerfoot and Rodriguez taking the inmate to the ground.

Deputy [redacted] stated the only force he used was striking the inmate approximately five times on the legs with his flashlight. He used his Streamlight SL-20 flashlight during the incident. He did not punch or kick the inmate during the incident. He did not see the spray deployed but only smelt the application because he started to cough and sneeze after the deployment.

Deputy [redacted] was not injured during the incident.

I.A.B. Note: Refer to Deputy [redacted] transcribed interview and the recorded interview under Job #27585.

SUSPECT'S STATEMENTS:

SUSPECT LARRY BERRY BKG# 1887581, was interviewed on October 18, 2009, at 0935 hours. The interview was conducted by Sergeants Jimmy Rios and Jack Ramirez and Lieutenant Scott Brickert from the Internal Affairs Bureau. The interview was conducted at LCMC Hospital Jail Ward, and was digitally recorded. The following is a summary of the incident.

Inmate Berry stated on October 18, 2009, at approximately 0830 hours, the deputies were preparing for cell searches. After the cells were searched, Berry went back to his cell and he noticed a bag with his personal property, his County underwear, towels and the bed sheet were missing. He attempted to ask one of the deputies what had become of his property, but he was told to wait a minute, because other inmates were passing by on their way back to their cells. After the inmates passed, the deputy he was speaking to had left also. He contacted a Senior Deputy (he did not recall his name) and told him he did not have a sheet or any "County whites", and his personal property bag was missing. He heard other deputies towards the front of the module, who apparently could hear his complaint, laughing at his predicament.

Inmate Berry stated he was upset because his property was missing and he didn't expect the officers to act like criminals. After hearing the deputies laugh he admitted to cursing at the deputies by saying, "fuck you guys." He walked back to his cell.

Inmate Berry stated approximately 30 minutes later, the row was called out for pill call, so he lined up for his medication. One of the deputies approached and asked who had said, "Fuck you." He identified himself as the person who made the comment. The deputy acknowledged him and he turned and walked away. As he waited for his medication, he saw the same officer standing in front of the officers' booth waiting for him. The deputy directed him over towards the laundry room. The deputy approached him and told him to spread his legs. The deputy started to kick his legs further apart. He alleged the deputy was trying to break his ankles.

IAB Note: Inmate Berry pointed to cuts and abrasions to his legs and ankles. **Exhibit E** is photo disc depicting the injuries.

Inmate Berry stated the deputy searched him again even though he had just been searched in the day room during the cell search. After the search, the deputy told him to stand up and to place his hands in his pockets. The deputy told him to face him, and he saw the deputy who had inquired about the "Fuck you" comment. That deputy told him, "You wanna say fuck you, huh? Say fuck you, right now. Say fuck you, now."

Inmate Berry told the deputy all he wanted was his property back, and he didn't mean anything by the comment. He denied starting the fight. The deputy started punching him in the head, an unknown amount of times. As soon as the deputy started to punch him in the face and head area, he covered his face because he knew he couldn't fight back. He didn't recall how many times he was punched. Other deputies joined in. He didn't recall where the other deputies struck him because he was trying to protect himself.

After a few minutes, he fell to the ground to get in a better defensive position to protect himself. He alleged the deputies kicked him and that is how he suffered the broken right rib. He also complained of pain to his left rib area. He stated he didn't know how many times he was kicked. He alleged the deputies continued to punch him while he was on the ground. He stated he yelled for help during this time.

He didn't remember any names of the deputies who were involved in the incident. He denied swinging or attempting to swing at the deputies.

IAB Note: IAB Sergeant Ramirez observed some bruising and abrasions to Suspect Berry's left hand, the small and index finger. Inmate Berry claimed he received that injury while attempting to protect himself by covering up.

Inmate Berry stated he assumed the deputies sprayed him while he was on the ground, but he did not notice the spray. He later felt his eyes were burning and he could taste the spray in his mouth. Inmate Berry stated he heard one of the deputies say, "apply the taser", but he did not feel the affects of the taser either.

> **IAB Note:** Deputy Rodriguez "dry stunned" Inmate Berry with the X-26 Taser.

Inmate Berry stated he heard somebody say, "all right, all right", and they stopped. He was then handcuffed while he was on the ground. He claimed the incident lasted about four to five minutes. He denied hearing any verbal commands given by the deputies. He stated the deputies may have told him to place his hands behind his back at the end of the incident but denied the deputies gave him that command before he went down to the ground.

Inmate Berry denied pulling his handcuffed hand away from the deputies. He stated once he was handcuffed he placed his hand behind his back and did not struggle. He denied using the handcuff as a weapon against the deputies.

Inmate Berry denied ever resisting, fighting, swinging, or kicking at the deputies. He denied taking an aggressive fighting or boxing stance towards the deputies. He did not recall any flashlight strikes to the legs. He stated he would have felt the difference between the metal flashlight and the deputies hands, or boots. He was certain that he was not struck with a flashlight.

Inmate Berry stated he was familiar with complaint procedure regarding missing property but he did not have faith in the complaint system, based on his prior jail experience.

Inmate Berry indicated his right arm and right elbow had an abrasion from when he was on the ground and possibly received it from a boot. Both of his eyes were swollen and were bleeding. He had small scrapes on the right side to the top of his head. He complained of blood in his left ear, and complained to pain to both his right and left rib area.

Inmate Berry did not know if any inmates witnessed the incident. He did believe a young deputy (possibly Deputy [redacted] witnessed the incident.

> **I.A.B. Note:** Refer to Inmate Berry's transcribed interview and the digital recorded interview under Job #27573.

DEPARTMENT WITNESS STATEMENTS:

Senior Deputy George Sanchez, #[redacted] was initially interviewed on October 18, 2009, at approximately 1145 hours, by Sergeant's Jimmy Rios and Jack Ramirez of

the Internal Affairs Bureau. The interview took place at Men's Central Jail and was digitally recorded. The interview was a corrupted recorded file and was not able to be opened. A secondary interview was conducted on the phone on Friday, April 23, 2010 at approximately 1109 hours.

Deputy Sanchez was assigned as the 2000 Floor Senior on October 17, 2009, at approximately 0830 hours. He was inside the control booth during the morning pill call, when he saw Deputy Gregory Rodriguez rush into a module. He exited the control booth and walked toward the activity and heard the deputies saying, "stop fighting, put your hands behind your back."

When Deputy Sanchez walked into the module, and saw an inmate on the ground, face down with his hands tucked near his waistband. He immediately identified the threat due to his custody experience, that inmates possibly hide weapons in their waistband area. He saw Deputies Kerfoot, Farino and Rodriguez trying to pull the inmate's arms from underneath his body in an attempt to handcuff him. The deputies continued to tell the inmate to stop fighting and to put his hands behind his back. The inmate did not comply with the verbal commands, and was actively trying to fight them and resist their commands. He remembered the inmate was approximately six foot, and 200 pounds and appeared to be very strong and muscular.

Deputy Sanchez saw when Deputy [redacted] arrived and he was trying to control the inmate's legs. He saw the inmate kicking at Deputy [redacted] while he was trying to restrain his lower extremities. The other deputies continued to try to pull the inmate's arms from underneath him so they could handcuff him. He did not recall what the inmate was saying, but he could see that he was not complying with the deputies.

Deputy Sanchez saw Deputy Farino handcuff the inmate's right hand but he was unable to handcuff the other hand, which the inmate was using to swing at the deputies. The inmate was trying to pull away the handcuffed hand and he believed the inmate would use the handcuffed arm as a weapon toward the deputies if he was successful in pulling it away.

Deputy Sanchez saw that the deputies actions were not successful in controlling the inmate, so he instructed Deputy Rodriguez to use the taser. Deputy Rodriguez deployed two or three contact shots to the inmate's lower back area, but it didn't seem to affect him at all. The inmate continued to fight and swing his arms around and kick at Deputy [redacted] The deputies continued to give verbal commands throughout the incident but the inmate did not comply with any of the orders.

Deputy Sanchez saw the inmate was getting more agitated and combative, so he instructed Deputy Kerfoot to spray the inmate with his "Freeze Plus P." Deputy Kerfoot sprayed the inmate's facial area but the spray initially did not have any affect on him. After a few moments, the spray started to take affect and the deputies were able to control both of his arms and handcuff him. The floor sergeant was notified and the

suspect was taken down to the clinic to be treated for his injuries. Deputy Sanchez estimated the incident lasted approximately two to three minutes, possibly a little longer. Deputy Sanchez did not use force but only directed the deputies to deploy the taser and the Freeze Plus P spray. He was not injured during the incident.

Deputy Sanchez did not see any of the deputies kick the inmate during the incident. He did not witness Deputy [redacted] striking the inmate with his flashlight.

I.A.B. Note: Refer to Senior Deputy Sanchez's transcribed copy of his interview and the recorded interview under Job # 28917.

Deputy Armando Diaz, #[redacted] was interviewed on the phone on November 4, 2009, at approximately 0948 hours, by Sergeant Jimmy Rios of the Internal Affairs Bureau. The interview was digitally recorded. The following is a summary of the interview.

Deputy Diaz was working on October 17, 2009, at approximately 0830 hours at Men's Central Jail. His work assignment on that date was as a Prowl Movement Deputy for Module 26 and 2800. He was in 2000 hallway, providing security for about 15 inmates while they were receiving pill call. He saw a deputy walking in a hurry. He figured something was going on, but he remained outside to provide inmate security. He ordered all the inmates to lay on the ground and to place their hands behind their backs.

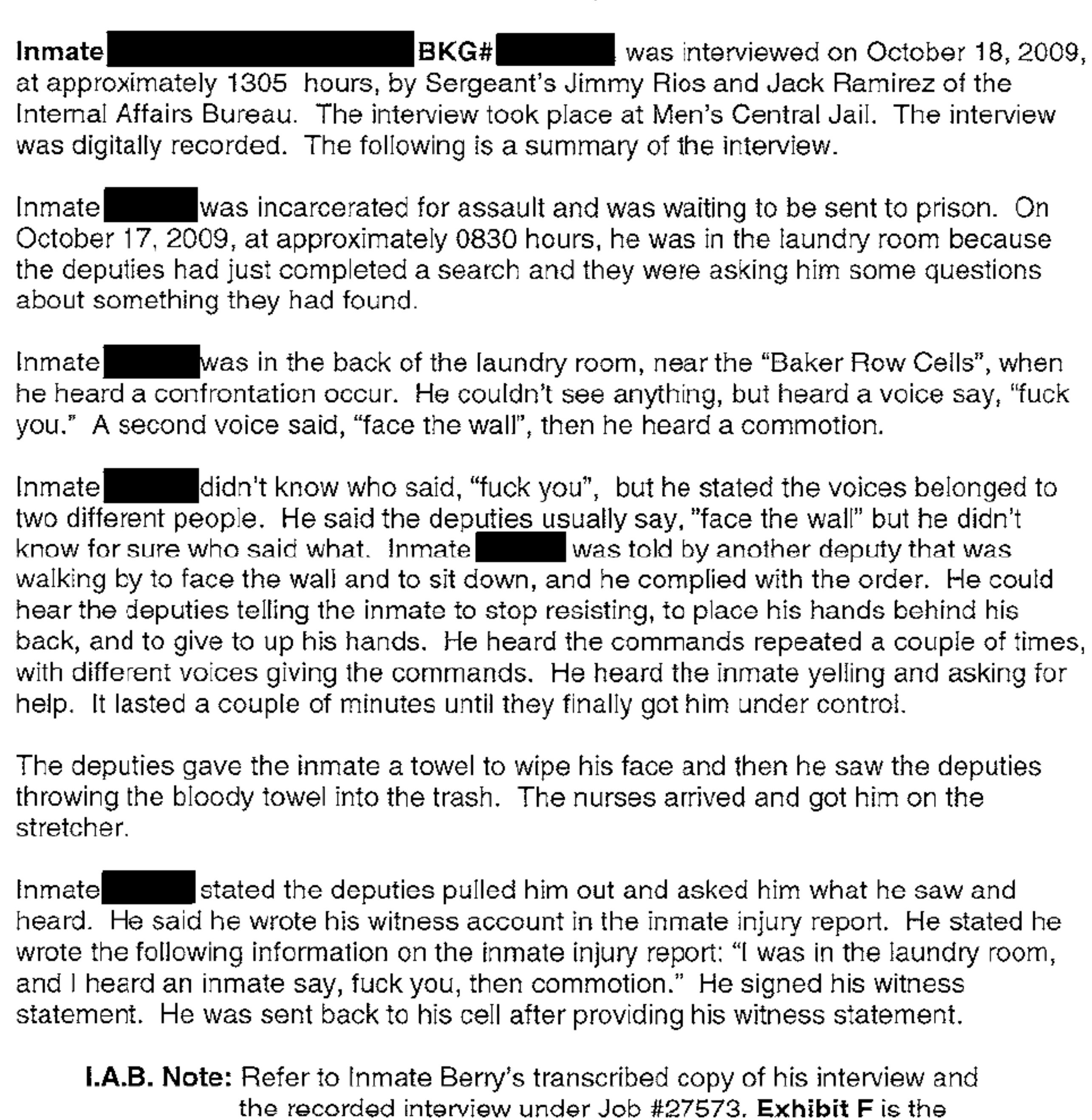
Deputy Diaz saw other deputies entering the module. When other deputies arrived and he had sufficient back-up he was able to go inside the module and see Deputies Kerfoot, Rodriguez, Farino, and [redacted] involved in a fight with an inmate. He saw the inmate was struggling with the deputies. The inmate was on the floor, face up, attempting to get onto his feet. The inmate had a handcuff on his right hand, but his other hand was not handcuffed. The deputies were trying to handcuff his other hand, and he was attempting to pull the handcuff towards his body, in an attempt to prevent himself from being handcuffed.

Deputy Diaz heard the deputies tell the inmate to stop fighting, but he was not listening to the verbal commands and he was not cooperative at all. His view was limited because the deputies' backs were facing him, but he saw the inmate on the ground attempting to pull the handcuff away from the deputies.

Deputy Diaz heard Deputy Sanchez giving orders to pepper spray the inmate in the face. After the pepper spray was administered the inmate gave up his hand and he was handcuffed. It appeared to him that the pepper spray was effective.

Deputy Diaz didn't witness if the taser was deployed on the inmate. He didn't see any of the deputies kick the inmate.

I.A.B. Note: Refer to Deputy Diaz's transcribed copy of his interview and the recorded interview under Job #27680.



NON-DEPARTMENT WITNESS STATEMENTS:

Inmate [redacted] **BKG#** [redacted] was interviewed on October 18, 2009, at approximately 1305 hours, by Sergeant's Jimmy Rios and Jack Ramirez of the Internal Affairs Bureau. The interview took place at Men's Central Jail. The interview was digitally recorded. The following is a summary of the interview.

Inmate [redacted] was incarcerated for assault and was waiting to be sent to prison. On October 17, 2009, at approximately 0830 hours, he was in the laundry room because the deputies had just completed a search and they were asking him some questions about something they had found.

Inmate [redacted] was in the back of the laundry room, near the "Baker Row Cells", when he heard a confrontation occur. He couldn't see anything, but heard a voice say, "fuck you." A second voice said, "face the wall", then he heard a commotion.

Inmate [redacted] didn't know who said, "fuck you", but he stated the voices belonged to two different people. He said the deputies usually say, "face the wall" but he didn't know for sure who said what. Inmate [redacted] was told by another deputy that was walking by to face the wall and to sit down, and he complied with the order. He could hear the deputies telling the inmate to stop resisting, to place his hands behind his back, and to give to up his hands. He heard the commands repeated a couple of times, with different voices giving the commands. He heard the inmate yelling and asking for help. It lasted a couple of minutes until they finally got him under control.

The deputies gave the inmate a towel to wipe his face and then he saw the deputies throwing the bloody towel into the trash. The nurses arrived and got him on the stretcher.

Inmate [redacted] stated the deputies pulled him out and asked him what he saw and heard. He said he wrote his witness account in the inmate injury report. He stated he wrote the following information on the inmate injury report: "I was in the laundry room, and I heard an inmate say, fuck you, then commotion." He signed his witness statement. He was sent back to his cell after providing his witness statement.

I.A.B. Note: Refer to Inmate Berry's transcribed copy of his interview and the recorded interview under Job #27573. **Exhibit F** is the inmate injury report.

Inmate [redacted] **BKG#** [redacted] was interviewed on the phone on April 28, 2010, at approximately 1051 hours, by Sergeant Jimmy Rios of the Internal Affairs Bureau. The interview was digitally recorded. The following is a summary of the interview.

Mr. [redacted] stated he was incarcerated at the Men's Central Jail back on October 17, 2009. He had been arrested on July 24, 2009, for possession of Marijuana for sales. He was released from custody on December 3, 2009.

Mr. [redacted] stated on October 17, 2009, at approximately 0330 hours, deputies conducted cell searches in his housing location, which was the 2800 Baker Row Cells. After the cell searches were completed, one of the inmates approached Deputy Kerfoot and told him that his legal documents were missing . Deputy Kerfoot told the inmate, "Shut the fuck up and return to your cell." The inmate replied back to the deputy, " If I go back into the cell, you need to go back into the cell with me, shut the fuck up." Deputy Kerfoot told the inmate he would see him at "pill call." He ([redacted] stated he was in his cell, cell #3, and the incident was occurring in Cell #6, an estimated distance of less than 24 feet away. He did not witness the incident but only heard the conversation between the inmate and Deputy Kerfoot.

> **I.A.B. Note:** It should be noted Deputy Kerfoot works day shift, and on October 17, 2009, his work shift was from [redacted] to [redacted] hours. The Men's Central Jail Day and EM Shift Assignment Sheet and Daily Time Cards are **Exhibit G**.

Mr. [redacted] stated at approximately 0730 hours during pill call Deputies Kerfoot, Johnson and Guerrero were asking the inmates if they had made the comment earlier to Deputy Kerfoot. The deputies asked him and he denied making the statement. The deputies contacted the inmate who had the earlier conversation with Deputy Kerfoot (Inmate Berry). He saw Deputy Kerfoot strike the inmate once in the face with his flashlight, and saw the inmate drop to his knees. The strike to the face was the only blow he saw, because he was taken to the laundry room.

> **I.A.B. Note:** It should be noted during Inmate Larry Berry's interview, he denied that any of the deputies struck him with a flashlight during the incident.

Mr. [redacted] along with other inmates, were sent away from the scene and he didn't see anything else. He only heard, "please, please stop." He alleged the inmate (Berry) was surrounded by 6-8 deputies with flashlights and clubs. He said the inmate never had an opportunity to take a defensive stance. He stated all of the deputies present beat the inmate. After the incident, when he was heading back to his cell and saw the deputies had blood on their gloves, boots, and clothes. He stated the area looked like a "horror movie", due to the blood everywhere.

Sergeant Rios read a portion of a complaint letter that Mr. [redacted] wrote: "Pill call was called and this inmate was beaten by Deputies Kerfoot, Johnson, and Guerrero. This inmate received two black eyes, two broken jaws, all of his teeth knocked out and three broken ribs. They beat this inmate with flashlights and stomped his face into a cement floor."

Mr. [redacted] acknowledged writing that portion of the letter, but clarified that he only saw Deputy Kerfoot striking the inmate with his flashlight. He did not witness Deputies Johnson and Guerrero using force on the inmate. He stated "other" inmates saw Deputy Guerrero stomping on the inmate's face. He stated he talked to other inmates who had an actual view of the incident. He estimated the "beating" lasted 12 minutes. He claimed he did not know the inmate (Inmate Berry) and denied ever talking with him.

Mr. [redacted] wrote a letter a month later describing the incident. The letter was delayed because he needed the correct address to send the letter to Internal Affairs and he was also in fear of his own safety because he was still in custody.

Mr. [redacted] stated another inmate later told him about the injuries (two broken jaws, two black eyes, and all of his teeth were knocked out) the inmate had received.

> **I.A.B. Note:** Refer to [redacted] transcribed copy of his interview and the recorded interview under Job #28952. **Exhibit H** is the letter Mr. [redacted] mailed to Internal Affairs.

SUSPECT'S INJURIES:

Suspect Berry was treated by Men's Central Jail Physician Policarpio Enriquez #[redacted] He treated him for the head and facial injuries which included two orbital fractures, and a nasal fracture. He stated all the injuries to his face and head were consistent with punches to the face.

Suspect Berry was also treated by LCMC Physician Gardner #[redacted] Dr. Gardner treated Larry Berry's right rib fracture. He stated the rib fracture was consistent with punches to the rib area. He stated the left rib area was not fractured.

> **I.A.B. Note:** Refer to **Exhibit I**, Larry Berry's medical reports from the injuriers he sustained. **Exhibit E** is a photo disc depicting Larry Berry's injuries.

DEPUTY INJURIES:

Deputy Kerfoot complained of slight soreness to his right hand, but he declined any medical treatment.

PHYSICAL EVIDENCE:

None

INVESTIGATORS OBSERVATIONS:

IAB Sergeant's Jimmy Rios and Jack Ramirez and Lieutenant Brickert interviewed the suspect and observed the listed injuries to the suspect.

WEAPONS USED BY DEPUTY PERSONNEL:

Personal weapons (Hands), Freeze Plus P Spray, Flashlight, and Taser.

WEAPONS USED BY SUSPECTS:

Hands and feet.

PROPERTY DAMAGE:

None

CRIMINAL INVESTIGATOR and CHARGES FILED:

Investigator:	Detective Robert Bayes, #[redacted] JIU
Court:	Clara Shortridge Fultz Criminal Courts Building
Charges:	69 P.C., The case was rejected due to Larry Berry being sentenced to three years in state prison for his original 459 PC case under case #MA045514.

I.A.B. Note: The DA worksheet has been submitted with the case, **Exhibit J.**

WEATHER CONDITIONS AND LIGHTING CONDITIONS:

The incident occurred inside the Men's Central Jail Facility.